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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,596	08/09/2000	W. BENJAMIN HERRINGTON	UV-157	5141

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FISH & NEAVE  
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NEW YORK, NY 10020-1105

EXAMINER

CORNWELL, BRIAN I

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/635,596

Applicant(s)

HERRINGTON ET AL.

Examiner

Brian Cornwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-4,8-12,16,17-20,24-28,32 rejected under 35 U.S.C. 102(e) as being anticipated by Knowles et al (6,505,348), cited by examiner.

As to claim 1, Knowles et al discloses an Electronic Program Guide (EPG) that accommodates multiple users of a television system. The reference particularly discloses a parental control function that incorporates setting passwords, based on differing priorities, in a hierarchical configuration (col.6 ln.11-20) that meets the claimed “multiple user accounts, each of which has a different associated personal identification code” and “different parental control criteria for each of the multiple accounts”. The reference also particularly discloses blocking programming that meets a blocking criteria (col.7 ln.56-57) as claimed. The reference also discloses the ability for a user to view any programming allowed by his profile and upon requesting a blocked program, entering the master password and subsequently having the ability to view the previously blocked program (col.10 ln.38-47) as claimed.

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As to claim 2, the claimed “parent” and “child” accounts are met by Knowles et al’s “the parents may have the highest level of password...and the younger children may have lower levels of passwords” (col.6 ln.12-15).

As to claim 3, the claimed “parent account...without restriction” is met by the disclosed Master Password giving access to everything (col.10 ln.45-47).

As to claim 4, the claimed temporary bypassing of “television programming from being blocked on entry of the ...identification code for the parent account” is met by the references disclosure of “Once (the master password is) entered, the TV is in the ...(unprotected) mode until the TV is turned off, the user exits VCHIP Plus+ mode, or a certain time delay” (col.11 ln.52-54).

As to claim 8, the claimed “interactive television program guide application” is met by fig.7.

Claims 9-12 and 16 are met by that discussed above for claims 1-4 and 8, respectively.

As to claim 17, in addition to the parental control functionality, as described above, Knowles et al also particularly discloses the use the parental control functionality and an additional password for the purpose of blocking purchasing (col.5 ln.16-20).

As to claim 18, the claimed “parent” and “child” accounts are met by Knowles et al’s “the parents may have the highest level of password...and the younger children may have lower levels of passwords” (col.6 ln.12-15).

As to claim 19, the claimed “parent account...without restriction” is met by the disclosed Master Password giving access to everything (col.10 ln.45-47).

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As to claim 20, the claimed temporary bypassing of blocking "on entry of the ...identification code for the parent account" is met by the references disclosure of "Once (the master password is) entered, the TV is in the ... (unprotected) mode until the TV is turned off, the user exits VCHIP Plus+ mode, or a certain time delay" (col.11 ln.52-54).

As to claim 24, the claimed "interactive television program guide application" is met by fig.7.

Claims 25-28 and 32 are met by that discussed above for claims 17-20 and 24, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5,13,21,29 rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles et al ~~as applied to claim 1 above, and~~ in view of Alexander et al (6,177,931), cited by examiner.

As to claim 5, Knowles et al discloses everything, as described above, except the targeting of ads based on "which personal identification code was most recently entered". Alexander et al discloses an EPG for multiple users that uses "viewer profile information to tailor the presentation and scheduling of advertisements" (col.32 ln.22-28). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to add Alexander et al's targeted ads to the system of Knowles et al for the purpose of producing more effective/successful advertising.

Claim 13 is met by that discussed above for claim 5.

As to claim 21, Knowles et al discloses everything, as described above, except the targeting of ads based on "which personal identification code was most recently entered". Alexander et al discloses an EPG for multiple users that uses "viewer profile information to tailor the presentation and scheduling of advertisements" (col.32 ln.22-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Alexander et al's targeted ads to the system of Knowles et al for the purpose of producing more effective/successful advertising.

Claim 29 is met by that discussed above for claim 21.

3. Claims 6-7,14-15,22-23,30-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles et al ~~as applied to claim 1 above, and~~ in view of Yamamoto et al (6,166,778), cited by examiner.

As to claim 6, Knowles teaches everything, as described above, except the tracking of blocked "television programming that was viewed based on the ...identification code". Knowles et al also particularly discloses the use of a password to enable the purchase and viewing of "Interactive Pay Per View" (col.5 ln.16-20). Yamamoto et al discloses the accumulation of a "viewing history of paid programs". It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the viewing history of Yamamoto et al to the system of Knowles et al

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for the purpose of letting the user know the program purchase record and calculate the expense.

As to claim 7, the claimed display of the above mentioned history or log is met by figure 43.

Claims 14-15 are met by that discussed above for claims 6-7.

As to claim 22, Knowles teaches everything, as described above, except the tracking of blocked "purchases that was made based on the ...identification code". Knowles et al also particularly discloses the use of a password to enable the purchase and viewing of "Interactive Pay Per View" (col.5 ln.16-20). Yamamoto et al discloses the accumulation of a "viewing history of paid programs". It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the viewing history of paid programs of Yamamoto et al to the system of Knowles et al for the purpose of letting the user know the program purchase record and calculate the expense.

As to claim 23, the claimed display of the above mentioned history or log is met by figure 43.

Claims 30-31 are met by that discussed above for claims 22-23.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerba et al (6,445,398) discloses an EPG that presents a viewer history for multiple users. Belmont (5,819,156) discloses a tracking and reporting device for a TV/PC convergence system.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Cornwell whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 6-4 (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

BIC  
August 8, 2003

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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